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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 47th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 28 February 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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(b) Report of the Special Rapporteur on the sale of children

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The meeting was called to order at 11 a.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

(d) DRAFT PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (agenda item 22) (continued)

(E/CN.4/1992/45, 54, 55 and Add. 1, 71 and 74; E/CN.4/1992/NGO/5, 14 and 32; E/CN.4/1991/51; E/CN.4/Sub.2/1991/41 and Corr.1; CRC/C/7)

1. Mr. MUNTARBHORN (Special Rapporteur on the sale of children) said that the representative of a non-governmental organization had made a statement touching upon his assessment of the sale of children for organ transplantation and had quoted the statement in paragraph 109 of his report (E/CN.4/1992/55) that "no Government so far has stated that the sale of children's organs has taken place on its territory". The representative of that NGO had pointed out that the Government of Mexico had admitted elsewhere that such a problem existed in its country. The observation in his report related solely to the replies to his questionnaire and not to any other sources of information. Unfortunately, the situation with regard to sales for organ transplantation remained fluid, and he would welcome any governmental or non-governmental initiatives that would render it more transparent.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1992/L.42)

Draft resolution on the question of Western Sahara (E/CN.4/1992/L.42)

2. The CHAIRMAN, introducing the draft resolution, said that it was the result of an agreement reached by the parties most directly concerned. It was to be hoped that it could be adopted by consensus.

3. The draft resolution (E/CN.4/1992/L.42) was adopted without a vote.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1992/L.26)

Draft resolution on the situation of human rights in South Africa (E/CN.4/1992/L.26)

4. Mr. MANGACHI (Observer for the United Republic of Tanzania), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of China, said that it reflected the positive changes that had taken place in South Africa over the past 12 months and highlighted the remaining problems in dismantling apartheid.

5. As reflected in the draft resolution, there had been some encouraging movements towards the creation of a non-racial democratic South Africa, but there was no reason for excessive optimism. The international community had a responsibility to make a concerted effort towards abolishing apartheid. In that spirit, he hoped that the draft resolution, which was the outcome of intensive consultations, could be adopted by consensus.

6. Mr. BLACKWELL (United States of America), speaking in explanation of vote before the vote, said that his delegation was pleased to join the consensus on that important draft resolution. The African Group was to be commended for its leadership in drafting a resolution capable of uniting international opinion on the situation of human rights in South Africa. There was general agreement in the international community on the urgent need to dismantle apartheid completely and to build a peaceful, non-racial democracy in South Africa.

7. Dramatic progress had been made in that country since the forty-sixth session of the Commission, but much still remained to be done. The crushing racial tyranny and profound inhumanity inherent in apartheid could not be vanquished unless the international community spoke with one voice.

8. The draft resolution (E/CN.4/1992/L.26) was adopted without a vote.

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/1992/L.23)

Draft resolution E/CN.4/1992/L.23

9. Mrs. GABR (Observer for Egypt), introducing the draft resolution on behalf of the African Group and of its sponsors, which had been joined by the delegations of Gambia and the Islamic Republic of Iran, said that the delegations concerned welcomed the positive developments that had taken place in South Africa over the past three years and hoped that the democratization process would lead to the complete dismantling of apartheid and the creation of a free society in which all citizens enjoyed their policial, economic and social rights.

10. Drawing attention to the salient points of the draft resolution, she pointed out that the second and eighth preambular paragraphs and operative paragraphs 1, 7, 9, 10, 11 and 16 were new. The pressure brought to bear by the international community had been a decisive element in speeding up the process of change in South Africa, and, although suffering under the sanctions, the people of South Africa supported their continuation, because they were an effective way of bringing about a peaceful solution to the conflict in that country.

11. At the request of the representative of Ghana, the vote was taken by roll call.

12. Colombia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, Ghana, India, Indonesia, Iran, Islamic Republic of, Iraq, Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Senegal, Somalia, Sri Lanka, Syrian Arab Republic, Tunisia, Venezuela, Yugoslavia, Zambia

Against: Australia, Austria, Bulgaria, Canada, Czech and Slovak Federal Republic, France, Germany, Hungary, Italy, Japan, Netherlands, Portugal, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Argentina, Madagascar, Uruguay

13. The draft resolution was adopted by 35 votes to 15, with 3 abstentions.

14. Mr. de BRITO CRUZ (Brazil), speaking in explanation of vote, said that the explanation of vote made by his delegation on the resolution on the same subject submitted by the Sub-Commission applied equally to the vote on draft resolution E/CN.4/1992/L.23.

15. Mr. PORTALES (Chile), speaking in explanation of vote, said that the resolution was an appeal to all States to comply with General Assembly resolutions on the subject. His delegation regretted, however, that the draft text did not refer to the positive changes that had taken place in South Africa.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1992/L.12)

Draft resolution on respect for the right of everyone to own property alone as well as in association with others (E/CN.4/1992/L.12)

16. Mr. KNOX (United States of America), introducing the draft resolution on behalf of its sponsors, said he welcomed the preliminary report of the Independent Expert, contained in document E/CN.4/1992/9 and looked forward to the following year's report.

17. After consultations, the sponsors of the draft resolution had decided to revise it to include two new preambular paragraphs (third and fourth) to read:

> "Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their rules and regulations,
>
> Recognizing that there exist in Member States many forms of legal property ownership, including private, communal, cooperative, and State forms, each of which should contribute to ensuring effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice".

18. In addition, the final two operative paragraphs had also been revised. In operative paragraph 2, the text after words "Independent Expert" had been replaced by "and to transmit his preliminary report to all Member States, and interested intergovernmental organizations and non-governmental organizations, requesting them to submit their comments so that they can be taken into account in the work of the Independent Expert". Operative paragraph 3, as revised, would read:

> "3. Decides to examine the report that the Independent Expert shall submit, in accordance with his mandate, at its forty-ninth session under the same agenda item."

19. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that the delegations of the Islamic Republic of Iran and the United Kingdom of Great Britain and Northern Ireland and the observers for Sao Tome and Principe and Switzerland had become sponsors of the draft resolution.

20. The financial implications of draft resolution E/CN.4/1992/L.12 were estimated for 1992 at US$ 65,900. That sum was based on previous expenditure patterns. The estimated costs for 1992 and 1993 had been included in the programme budget for that biennium.

21. Mr. ARCILLA (Philippines) said that his delegation wished to become a sponsor of the draft resolution.

22. The draft resolution, as orally revised, was adopted without a vote.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (agenda item 10) (continued)

(E/CN.4/1992/L.28, 29, 31, 32, 34-41, 43; E/CN.4/1992/2 chapter I A, draft resolutions II, III and VII, chapter I B, draft decisions 1, 5 and 15)

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1992/L.28)

23. Mr. TROTTIER (Canada), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Brazil, Gambia, and Japan and the observer for Liechtenstein, said that it highlighted the protection that international law provided to the right to freedom of opinion and expression. In the eleventh preambular paragraph of the English text of the draft resolution, fourth line, the second "and" should be replaced by the word "to".

24. The draft resolution (E/CN.4/1992/L.28), as orally corrected, was adopted without a vote.

Draft resolution on hostage-taking (E/CN.4/1992/L.29)

25. Mr. TAUCHI (Japan), introducing the draft resolution on behalf of its sponsors, said that since Japan was one of the countries that had suffered from hostage-taking, his delegation had prepared the draft resolution which called upon all countries and the Secretary-General to help prevent hostage-taking and called for the release of all hostages worldwide. His delegation hoped that it would be adopted without a vote.

26. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that the observers for Afghanistan and Liechtenstein had become sponsors of the draft resolution.

27. The draft resolution (E/CN.4/1992/L.29) was adopted without a vote.

Draft resolution on human rights and forensic science (E/CN.4/1992/L.31)

28. Mr. KHITZOV (Russian Federation), introducing the draft resolution on behalf of its sponsors, said that it was purely procedural. It reflected many recommendations contained in reports submitted to the Commission over recent years. In several countries the identification of human remains, often the suspected victims of human rights, violations and found in mass graves, was a serious problem, since there was a lack of specialists trained in the exhumation and identification of corpses. The draft resolution provided the means for the United Nations to help those countries which most needed it. His delegation hoped that it be adopted without a vote.

29. The draft resolution (E/CN.4/1992/L.31) was adopted without a vote.

Draft resolution on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1992/L.32)

30. Ms. MATTILA (Observer for Finland), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Chile,

Italy, United States of America and Uruguay, said that it contained a renewed appeal to States to become parties to the Convention. It also stressed the importance of the work of the Committee against Torture.

31. The new operative paragraph 4 urged States that had not yet paid their assessed contributions to fulfil their obligations. States were also invited to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20. In operative paragraph 9 the Commission decided to consider the report of the Secretary-General at its forty-ninth session.

32. The sponsors hoped that the draft resolution would be adopted without a vote.

33. The draft resolution (E/CN.4/1992/L.32) was adopted without a vote.

Draft resolution on staff members of the United Nations and of the specialized agencies in detention (E/CN.4/1992/L.34)

34. Mr. CABRAL (Portugal), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Canada and the Islamic Republic of Iran and the observer for Sao Tome and Principe, said that the question of respect for the human rights and the privileges and immunities of United Nations staff members continued to be of the utmost importance to the Commission. It was, indeed, regrettable that a significant number of United Nations staff members and experts and members of their families were still detained, imprisoned, missing or held in a country against their will and that their human rights and privileges and immunities were not fully respected.

35. The draft resolution under consideration, which followed very closely Commission resolution 1991/37, had been slightly changed mainly for the purpose of updating it. A new operative paragraph 1 welcomed the Secretary-General's statement, in which he stressed his deep concern that over 100 staff members were being kept in detention or were in prison and declared his intention to do the utmost to work for their release.

36. Operative paragraph 3 contained a new provision concerning the need to solve the problems of reintegration and compensation for the damage caused to those whose human rights, privileges and immunities had been violated.

37. The sponsors hoped that the draft resolution could be adopted without a vote.

38. The draft resolution (E/CN.4/1992/L.34) was adopted without a vote.

Draft resolution on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1992/L.35)

39. Ms. PENNEGARD (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said it first recalled that the Fund had been established by the General Assembly in December 1981. The Commission next expressed its gratitude and appreciation to the Board of Trustees of the Fund

and to those Governments, organizations and individuals that had contributed to the Fund. It appealed to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions, if possible on a regular basis.

40. The Secretary-General was requested to use his best efforts to make the Fund and its humanitarian work better known and to submit to the Commission at its forty-ninth session a consolidated report on the activities carried out through the Fund.

41. The draft resolution expressed the conviction that the struggle to eliminate torture included the provision of assistance in a humanitarian spirit to the victims of torture and their families. She drew attention, in that connection, to the statement by the Chairman of the Board of Trustees of the Fund (E/CN.4/1992/16) that the Fund had, since its establishment, collaborated with over 50 organizations in some 100 projects for implementation in 40 countries.

42. The Fund enabled the Commission to demonstrate its solidarity with the many victims of torture and to help a considerable number of people to start a new life. Survivors of torture often had to struggle with enormous traumas, both physical and mental, and one way to mitigate the effects was to provide them with the aid they required.

43. The draft resolution indicated one important way in which the evil of torture could be combated and the sponsors hoped that it could be adopted without a vote.

44. The draft resolution (E/CN.4/1992/L.35) was adopted without a vote.

Draft resolution on the question of arbitrary detention (E/CN.4/1992/L.37)

45. Mr. HESSEL (France), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Burundi, Chile, Costa Rica, Philippines, Russian Federation, and Tunisia and the observers for Ecuador, Iceland, Panama, Poland, and Rwanda, recalled that, the previous year, the Commission had set up a Working Group on Arbitrary Detention. In view of the constructive comments made during the session on the importance of the Working Group, the sponsors intended to add, after the last existing preambular paragraph, a new preambular paragraph to read: "Noting the comments made during the forty-eighth session of the Commission on Human Rights". As a consequence of the addition of that paragraph, the words "with appreciation" in operative paragraph 2 should be deleted.

46. The draft resolution (E/CN.4/1992/L.37), as orally revised, was adopted without a vote.

Draft resolution on the protection of all persons from enforced disappearance (E/CN.4/1992/L.38)

47. Mr. HESSEL (France), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Canada, Chile, Costa Rica, Cuba, Cyprus, Italy, Netherlands, Portugal, Russian Federation and

Senegal and the observers for Greece, Ireland, Panama, Poland and Rwanda, said that the title of the draft resolution should be revised to read "Declaration on the protection of all persons from enforced disappearance".

48. The draft resolution took into account the many statements made on the subject during the Commission's session and recalled that the definitive text of the draft declaration had been prepared by a Working Group established for the purpose. In that connection, he wished to pay particular tribute to all those who had helped to prepare the draft declaration, in particular the non-governmental organizations, the International Law Commission, the experts of the Sub-Commission and the delegations of the various States. They had all worked together to ensure that the international community would be able to solemnly declare its desire that the practice of enforced disappearance should be punished. The international community owed to the victims of that practice and the members of their families that testimony of its commitment.

49. Mr. ERKMENOGLU (Observer for Turkey) said that his delegation had played an active part in the preparation of the draft declaration. However, it maintained its conviction that the effective protection of all persons from enforced disappearance depended upon a proper definition of that crime, which might be committed by States or others, including terrorist groups or individuals. The effects of the crime on its victim did not change according to its perpetrator. Measures to be taken against it should also be based on the acknowledgement of those facts. In other words, Governments should be made accountable for their responsibility and terrorist groups should be duly condemned for those crimes.

50. The draft declaration, as adopted by the Working Group, failed in the latter respect and did not contain a relevant reference to General Assembly resolution 40/61 on measures to prevent international terrorism. Moreover, his delegation thought that the text as it stood was not in conformity with the proclamatory paragraph of the preamble and article 30 of the Universal Declaration of Human Rights. Consequently, his Government considered the draft declaration to be incomplete.

51. The draft resolution (E/CN.4/1992/L.38), as orally revised, was adopted without a vote.

Draft resolution on enforced or involuntary disappearances (E/CN.4/1992/L.39)

52. Mr. HESSEL (France), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Bulgaria, Canada, Chile, Czech and Slovak Federal Republic, Madagascar, Russian Federation and Senegal and the observers for Denmark, Ireland, Luxembourg, Norway and Poland, said that the report of the Working Group on enforced or involuntary disappearances indicated that the practice continued to persist. In that connection, he stressed the concern expressed by the Working Group about certain situations in which an atmosphere of impunity led directly or indirectly to an increase in the number of cases of disappearances. In particular, "death squads" were sometimes tolerated and even encouraged, thereby contributing largely to the seriousness of the situation.

53. At a time when many States were involved in the difficult process of national reconciliation, the experience and recommendations of the Working Group were of particular value. The draft resolution therefore proposed that the mandate of the Working Group should be extended by another three years. The Working Group was also requested to give particular attention to cases concerning the children of parents who had disappeared.

54. He hoped that the draft resolution could be adopted without a vote.

55. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that the estimated cost of extending the mandate of the Working Group would be US$ 235,400 in 1992, US$ 257,200 in 1993, US$ 270,100 in 1994, and US$ 62,300 in 1995. Provisions for 1992 and 1993 were included in the programme budget for the current biennium and the requirements for 1994 and 1995 would be taken into account when preparing the programme budget for that biennium. Those cost estimates were based on previous patterns of expenditure.

56. He announced that the delegations of Cuba and Cyprus and the observers for Panama and Rwanda had become sponsors of the draft resolution.

57. The draft resolution (E/CN.4/1992/L.39) was adopted without a vote.

Draft resolution on human rights in the administration of justice (E/CN.4/1992/L.40)

58. Mr. SCHERK (Austria), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegations of Burundi, Canada, Costa Rica, France, Germany and Kenya and the observers for Rwanda and Sao Tome and Principe, said that it reaffirmed the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice. It requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice. It also requested the Sub-Commission to formulate proposals to the Secretary-General regarding the utility and format of his reports to the Sub-Commission on the question of the human rights of persons subject to any form of detention or imprisonment. Finally, it invited the new Commission on Crime Prevention and Criminal Justice, at its first session, to explore ways and means of cooperating with the human rights programme in the field of the administration of justice.

59. He hoped that the draft resolution could be adopted without a vote.

60. The draft resolution (E/CN.4/1992/L.40) was adopted without a vote.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur (E/CN.4/1992/L.41)

61. Mr. REYN (Observer for Belgium), introducing the draft resolution on behalf of its sponsors, which had been joined by the observers for Rwanda and Sao Tome and Principe, said that torture, a barbaric practice which was an

affront to human dignity, was still practised in several regions of the world. The draft resolution recalled Commission resolution 1991/38 and was inspired by the contents of the report of the Special Rapporteur.

62. It included a number of recommendations made by the Special Rapporteur and proposed some new options for intensifying the efforts of the international community to prevent torture, particularly the important role of judicial institutions and access to lawyers and the contribution that could be made by the advisory services.

63. The draft resolution also urged greater coordination between the existing monitoring mechanisms in the field of torture, such as the Committee against Torture and the Working Group on Arbitrary Detention, in order to avoid any overlapping in the activities of the United Nations in combating torture.

64. Finally, the draft resolution would extend the mandate of the Special Rapporteur, which was of the greatest importance to the work of the Commission, for a further period of three years. He hoped that, as in previous years, the Commission would adopt the draft resolution by consensus.

65. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that the estimated cost of extending the mandate of the Special Rapporteur would be US$ 65,700 in 1992, US$ 67,500 in 1993, US$ 70,900 in 1994 and US$ 18,600 in 1995. The programme budget for the biennium 1992-1993 included the provisions for that period, while the provisions for 1994 and 1995 would be taken into account when preparing the programme budget for that biennium. Those cost estimates were based on previous patterns of expenditure.

66. Mr. ARCILLA (Philippines) said that the United Nations was currently streamlining its mechanisms and activities in the interests of economy and efficiency. The draft resolution, and more specifically its proposal to extend the mandate of the Special Rapporteur for a further three years, was clearly one instance in which the Commission could contribute to the achievement of that objective. While the Special Rapporteur had done an excellent job, his delegation had reservations about the proposed three-year extension of his mandate and believed that it could be extended for no more than one year without prejudicing the rationale given for the extension.

67. The Special Rapporteur himself, in his most recent report, said that many of his recommendations were contained in his previous reports. That meant that there was not much more he could do other than to continue receiving and monitoring alleged cases of torture and communicating with the Governments concerned.

68. Paragraph 17 of the draft resolution spoke of the need to avoid any overlapping between the activities of the Special Rapporteur and those of the Committee against Torture. That Committee could very well assume the functions of the Special Rapporteur, in coordination with relevant United Nations bodies which were competent to help in attaining the objectives of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Also, the non-governmental organizations would

always be there to lend a hand. The best way to avoid overlapping would be to dispense with the services of the Special Rapporteur after affording him sufficient time, i.e., one year, to wind up his affairs.

69. It had been argued that, in its resolution 1990/48, the Economic and Social Council had recommended that the mandates of thematic rapporteurs and working groups of the Commission should be of three years' duration. The same resolution, however, had given the Commission leeway to decide otherwise.

70. His delegation urged the Commission, in the interests of economy and efficiency, to be more judicious in future in appointing thematic rapporteurs when the Centre for Human Rights and other existing mechanisms could do the same job. Extending the term of special rapporteurs should also be avoided when it became clear that their original mandate had reached the point of diminishing returns and that their work could be taken over by existing mechanisms without sacrificing efficiency. That principle should also apply to thematic working groups and independent experts.

71. Mr. NZEYIMANA (Burundi) said that, while his delegation would have wished to become a sponsor of the draft resolution, particularly in view of its interest in limiting the scope for abuse during pre-trial detention, it had not done so because of its reservations as to the practicability of implementing the recommendation of the Special Rapporteur that each person should have the right to initiate immediately after his arrest proceedings before a court on the lawfulness of his detention. Depending on the national legislation of the country in question, a minimum period of time was needed to prepare the case against a detained person and he doubted whether it was practical to recommend the immediate initiation of proceedings.

72. Ms. WIJONO (Indonesia), supported by Mr. MOTTAGHI-NEJAD (Islamic Republic of Iran), Mr. ROA KOURI (Cuba), Mr. GADGIL (India) and Ms. ATTAH (Nigeria), said that she fully shared the views expressed by the representative of the Philippines.

73. Mr. ROA KOURI (Cuba) said that his delegation thought that the Commission should review the mandates of the special rapporteurs on an annual basis. He wished to point out, in addition, that operative paragraph 8 of the draft resolution seemed to be addressed, more specifically, to those States which had acceded to the International Covenant on Civil and Political Rights.

74. Mr. ERMACORA (Austria) said that his delegation fully supported the provision in operative paragraph 8 of the draft resolution, since it was precisely during the period between the arrest and trial of a person that the worst human rights abuses were committed. That recommendation was therefore important to uphold the rule of law.

75. Mr. KHOURY (Syrian Arab Republic) said that, while he respected the efforts of the European countries to combat torture, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment was a regional and not a global instrument. He therefore had reservations about the appropriateness of any reference to such an instrument in a

resolution of the Commission. Moreover, he felt that the reference to "credible and reliable information from Governments" in paragraph 16 of the draft cast doubts on the credibility of Governments that provided information.

76. Mr. ZHU Xiaoming (China) said that he shared the views of the representative of the Syrian Arab Republic. The experiences of one region could not be extended to other regions without the latter's consent, and each region must be free to make its own choices. He also agreed with the representative of the Philippines that the mandate of the Special Rapporteur should be extended by one year only, to enable him to complete his work.

The meeting rose at 1.05 p.m.